In the High Court of Judicature at Madras

Dated: 03.02.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Appeal Nos.118 & 119 of 2007

G.Thilaga .. Appellant in both appeals

Vs..

1.The Inspector General of Registration,
Office of Inspector General of
Registration, Santhome,
Chennai-4.

2.The Deputy Inspector General of
Registration, Office of the Deputy
Inspector General of Registration,
Vellore-6. .. Respondents 1 & 2 in
WA No.118/2007

3.The District Registrar,
Office of the District Registrar,
Vellore-4. .. 3rd Respondent in
WA.118/07 & 1st
respondentinWA119/07

Writ Appeals filed under Clause 15 of the Letters Patent Appeal against the common order of this court passed in W.P.Nos.5608 & 15677 of 2006 dated 29.11.2006 filed under Article 226 of Constitution of India to issue a Writ of Certiorari Mandamus call for the records of the Order passed by the third respondent in 7696/Aa1/03/1 dt.6.12.2004 as confirmed by the proceeding of the second Respondent in proceedings No.6440/a/2004 dt.10.3.2005, and call for the records on the file of the Respondent relating to the Order passed issued by the respondent in k.No.2035/Aa1/2006 dt.27.4.2006 and quash the same and further direct the Respondent to change the place of stamp vending at No.2/1, Thuvaragai pilliyar koil street, Thirupathur Town, Vellore District, instead of at No.40/B, Krishnagiri Road, Thirupathur Town, vellore District respectively

For Appellant : Mr. R.N.Amarnath

For Respondents : Mr.V.Viswanathan,
Addl. Government Pleader

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COMMON JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeals are filed against the common order dated 29.11.2006 made in W.P.Nos.5608 & 15677 of 2006, in and by which, the learned single Judge has dismissed both the writ petitions with some observations.

2. We have heard the learned counsel appearing for the appellant as well as Mr.V.Viswanathan, Additional Government Pleader, who has taken notice for the respondents on direction.

3. In view of the limited issue raised and the relief prayed for, we are of the view that it is unnecessary to traverse all the details as stated in the affidavit filed in support of the above writ petitions.

4. It is seen that after finding that the petitioner was vending stamp papers near the State Bank of India, which is against the provisions of the Stamp Act, the District Registrar(A)(I/C), Vellore, sent a notice calling upon explanation from him. Pursuant to the same, the petitioner submitted her explanation. The District Registrar, Vellore, the third respondent herein, considered the explanation offered and after finding that the petitioner had violated the Rules, ordered cancellation of her licence. The order was challenged before the Deputy Inspector General of Registration, Vellore Division. By proceedings dated 10.03.2005, the Appellate Authority confirmed the order of the District Registrar and rejected her appeal as not maintainable. Both the orders were challenged by the petitioner/appellant in W.P.No.5608 of 2006.

5. While entertaining the above writ petition on 28.02.2006 in WPMP No.6053 of 2006 in WP No.5608 of 2006, the learned single Judge has granted interim stay subject to the petitioner doing stamp vending business in the original place for which the licence was granted, viz., 40/B, Krishnagiri Road, Tirupathur Town. In the same order, the learned single Judge has further ordered that if the petitioner violates the said condition, the order of cancellation of the licence will automatically come into operation. Thereafter, on 15.04.2006, the petitioner has made a representation to the District Registrar, Vellore, highlighting her grievance and prayed for permission to sell stamps at 2/1, Duwaragai Pillaiyar Kovil Street, Thirupattur, Vellore District. The District Registrar, Vellore, based on the interim order dated 28.02.2006 passed by the learned single Judge of this Court, rejected her request on 27.04.2006. The said order was also challenged by the petitioner in W.P.No.15677 of 2006.

6. The learned single Judge, after verifying the materials placed before him found that it is for the petitioner to vend stamps only in a place permitted under the licence and that the authorities are justified in rejecting her representation. Holding so, the learned single Judge has dismissed both the writ petitions.

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7.We have perused the representation of the petitioner dated 15.04.2006 addressed to the District Registrar, Vellore. Taking note of the grievance expressed in the said representation, we are of the view that it is for the District Registrar, Vellore to consider and decide the matter one way of other, if the same is permissible. On this ground, we set aside the order of the learned single Judge in W.P.Nos.5608 and 15677 of 2006 dated 29.11.2006 and impugned orders of the third respondent dated 06.12.2004 and the second respondent dated 10.03.2005 and remit the matter to the third respondent- the District Registrar, Vellore, for disposal of the representation dated 15.04.2006. The said authority is directed to consider and pass orders on merits within a period of six weeks from the date of receipt of a copy of this order.

8. The writ appeals are disposed of on the above terms. No costs.

raa

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Inspector General of Registration,
Office of Inspector General of
Registration, Santhome,
Chennai-4.

2.The Deputy Inspector General of
Registration, Office of the Deputy
Inspector General of Registration,
Vellore-6.

3.The District Registrar,
Office of the District Registrar,
Vellore-4.

+1 cc to Mr.R.N.Amarnath, Advocate Sr.No.6853

+1 cc to The Government Pleader, Sr.No.6395.

TS(CO)
dcp/9.2.07

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